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PROCEDURES AND PROTECTIONS

THE two-pronged problem, that of protecting the rights of individual citizens while safeguarding the national interest, is reflected in recent statements by Administration spokesmen and in a wide range of legislative proposals.

Among the proposals to further national security efforts are bills to legalize the admission of wiretapping evidence in federal courts, as well as measures which would enable congressional committees to grant witnesses immunity from federal prosecution. Attorney General Herbert Brownell has urged Congress to enact legislation along these lines.

Additional proposals to improve congressional investigating procedures, through voluntary codes or mandatory rules or by creation of a single committee for investigating internal security matters, have recently been placed in the congressional hopper. These new bills, added to many introduced during the first session of the 83rd Congress, reflect a desire to meet the growing public criticism of congressional investigating methods. The Administration recently added its voice to the debate.

Wiretapping Legislation

In urging Congress to authorize the introduction of wiretapping evidence in federal court proceedings on national security or kidnapping, the Attorney General has maintained that government cases against alleged espionage agents have been hampered by refusal of federal courts to accept wiretapping evidence. His proposals have been embodied in H. R. 5149, introduced by House Judiciary Committee Chairman Chauncey Reed (R., Ill.).

Two other bills, H. R. 477, sponsored by Rep. Kenneth B. Keating (R., N. Y.), and S. 832 by Senator Alexander Wiley (R., Wis.), would permit wiretapping in national security cases *only* if prior approval of a federal judge has been obtained. Under all these bills, such evidence would then be admissible in federal courts.

Following hearings, a House Judiciary subcommittee approved the Keating bill in 1953. The Attorney General has asked the subcommittee to reconsider the Keating bill in favor of his proposal. The Senate has not scheduled public hearings on wiretapping bills.

An Old Issue

The Supreme Court ruled in 1928 that wiretapping was legal, following a dispute over the use of wiretapping to catch bootleggers during Prohibition. The

unpopularity of this decision resulted in the inclusion of Section 605 in the Communications Act of 1934: "No person not being authorized by the sender shall intercept any communication and divulge or publish the . . . contents . . . to any person . . ."

The Supreme Court clarified this provision in 1937 and 1939 in two rulings that forbid the use in federal courts of direct wiretapping evidence or evidence obtained from wiretapping "leads."

Meanwhile, since the Court has not expressly forbidden the act of wiretapping, wiretapping has been used by federal investigative agencies. In 1940 President Roosevelt directed wiretapping to be used when necessary to national security. Since that time, attorney generals have continually urged that wiretapping evidence in cases of espionage, sabotage and kidnapping be permitted.

Several convictions involving the use of wiretapping evidence have been set aside on appeal, the most notable of which was the Coplon case.

Immunity Legislation

A number of bills have been introduced which would require witnesses to testify, under specified conditions, in return for a grant of immunity from prosecution on their testimony. A recent Supreme Court decision clarified one point of uncertainty, namely, that such immunity could apply to state as well as federal prosecution. (Continued on page 4)

"Hello, Dear, And All You Boys On The Wire Taps"



Jan 50

From THE HERBLOCK BOOK



From the PRESIDENT'S Desk

DEAR MEMBER:

THE question now being asked is "Where do we go from here on the Bricker Amendment?" Two aspects of this question are worthy of comment. First is the substantive one, dealing with the future of the issue itself and its legislative by-products. The second relates to what the League of Women Voters has learned from this experience which may be of value in the future.

The best information available indicates that no one knows what will happen next in the Congress on this issue. The motion by Senator Lennon (D., N. C.) to reconsider could be called up at any time. Related resolutions on roll call votes on treaties and for study of executive agreements have been introduced and referred to committees (see Congressional Spotlight, March 15). Senator Wiley (R., Wis.), Chairman of the Senate Foreign Relations Committee, has proposed a bipartisan commission to study the President's powers to make both treaties and executive agreements. No forecast on committee action on any of these resolutions is available. It is only clear that the recently completed Senate debate shifted the center of attention to the problem of executive agreements, originally only one aspect of the Bricker Amendment.

As to the second part of the question—what the League has learned—it is abundantly evident that work on the Bricker Amendment has greatly sharpened our thinking on some basic constitutional problems, and has caused, also, fresh consideration of the League's purpose and procedures. The most valuable single by-product has been a heightened sense of individual responsibility for national governmental decisions.

This is the time when League experience should

pay off. All members, who feel a sense of responsibility for the solution of the problem, should as individuals keep their Senators informed on the development of their thinking. The national Convention of the League, meeting in Denver, will examine the situation and will provide direction for the national Board.

Meanwhile, letters and bulletins indicate a vast amount of League work was done on this subject both within our membership and with the general public. Various local Leagues have written the national office of the great satisfaction they have had from this experience. An outstanding job was done, by far the best on a national issue in recent years and congratulations are in order.

This experience afforded a clear demonstration of the successful application of certain basic League concepts. The purpose of the League—to promote informed and active participation of citizens in government—was carried forward as a result of the two year period of consideration and final action. The League takes political action as an organization and stimulates independent action on the part of individual citizens. In this instance the quality of both kinds of action was as fine as the quantity. There is minority opinion within the League whenever action is taken and the voice of the minority was heard and registered. The League operates on a system of representation and the duly elected representatives carried out their responsibilities.

It is apparent also that certain procedures can well be improved if the League is to meet the needs of rapidly developing events. Notably, better member orientation, especially as to the particular League characteristics mentioned above, and improved channels of communication between boards and members would be desirable.

Amid the rough and tumble of hotly debated issues, one fact clearly emerged. The League of Women Voters is politically effective.

Percy Maxim Lee

SLOW MOTION TOWARD HOME RULE

"To exercise exclusive legislation in all Cases whatsoever, over such District (not exceeding 10 miles square) as may by Cession of particular States and the acceptance of the Congress become the Seat of the Government of the United States . . ." (Constitution of the U. S., Article I, Section 8.)

On the interpretation of these words has rested the pattern of government for the District of Columbia. For approximately 75 years, residents had their own local government because the Congress followed Madison's idea that "a municipal legislature for local purposes, derived from their own suffrages, will, of course, be allowed them."

After the War between the States, Congress set up a Territorial form of government, replaced in a few years by the present Commission form. Supporters of self-government cite the early period of home rule as precedent for authority for Congress to delegate legislative responsibility to a governing body for the District.

In Congress after Congress bills have been introduced proposing a constitutional amendment to grant national suffrage and representation in Congress. Lengthy hearings have been held, but legislation has not gone beyond the committee stage. It is generally agreed, however, that suffrage can come by majority vote of Congress, and would not require a constitutional amendment.

In the 80th Congress, a comprehensive plan for local government, sponsored by James C. Auchincloss (R., N.J.)

reached the House floor but was not voted upon. The experience on this bill was not lost as some controversial features were ironed out.

In the 81st and 82nd Congresses, the House District Committee did not report a home rule bill, although the Senate acted favorably in both Congresses.

S. 2413, introduced by Senator Case (R., S. D.), is on the Senate calendar ready to be called up but a companion bill has not yet been introduced in the House. Senator Case's measure provides for electing a city council, mayor and schoolboard. Although both political party platforms endorse national representation and self-government for the District, its citizens go on year after year without a voice in their own affairs and members of Congress continue to act as a City Council while faced with the gravest decisions on national and international problems.

PILL BOX PROBLEMS IN NONPARTISANSHIP



Mrs. John Doe, a member of a local League, is a nominee for her local Board. Her political party asks that she help solicit funds for the party's candidate for Governor. Can she take part in this activity?

Answer on Page 4.

DOLL . . . (Diary on League Lingo)

WENT to work for League of Women Voters. Baptism of fire. For orientation was allowed to attend national Board meeting.

Always knew League was "different." Didn't know they spoke a different language. Alphabetical combinations, even those that look familiar, always mean something different. Same goes for words.

They gave me mimeographed material prepared for Board meeting. Knew what LWV meant. Saw PML and assumed it meant some particular League. Pulled out my Postal Guide. Pine Meadow (Conn.) League? Pleasant Mills (Ind.) League? Discovered it wasn't a League, wasn't a place. It was a person—the national President. These Leaguers are not Lucy Stoners, though Lucy Stone was one of their founders. I'm accustomed, in business and politics, to use of maiden name plus husband's last name. But Leaguers follow social usage. Therefore one has to learn that PML means Mrs. John G. Lee; ZL means Mrs. Robert F. Leonard. Not only, then, did I have to learn 30 faces and names (Board and executive staff), I had to translate into code.

Did my homework and next day was prepared. Knew by now that RRH meant Mrs. Errol O. Horner. So who was LLH? "Oh, that? That means Local Leader's Handbook!" CCCMF another puzzler. Knew the executive secretary was Muriel Ferris, but was she also christened Catherine Camille Charlotte? Couldn't be. So was it Civilian Conservation Corps something? Or Commodity Credit Corporation something? None of these. It means Carrie Chapman Catt Memorial Fund.

On to the agenda. Agenda will never again be just agenda to me. No longer can I think of this word without a qualifying adjective, current. In fact it is now currentagenda to me. Revision of platform being considered. First I had to learn old platform, and that League *never* acts on a letter, but only on a number (wonder if they know what a riddle that makes to a newcomer). No sooner had I solved this one than they plunged into revision. The code again. Now, instead of using letters and numerals, categories will be known by CA, CR, PP, PR. CA I recognized as my old friend currentagenda. CR henceforth means Continuing Responsibilities; PP, Platform Principles. PR, which to most people means public relations, becomes Program Record. At this juncture asked about acting on a certain principle. "Act on a principle? We *never* act on a principle!" And I always thought the League of Women Voters, of all people, really *had* principles. My League dictionary clarified this: Principles are the authority for currentagenda, currentagenda are the authority for legislative action, every continuing responsibility started life as a currentagenda, and everything in the program record had three parents—principle, continuing responsibility, currentagenda. Why of course!

Jumped at reference to what sounded like Kinsey Report. Surely *these* women weren't going to discuss *that*. Turned out to be the McKinsey Report, a survey on streamlining procedure at national office. Then heard about "white spaces," which included Montana, Wyoming, North Dakota, South Dakota. Well, it was winter, and probably those spaces were white with snow—but where did Arkansas fit into the picture? They showed me a map: white spaces are those states which do not have state Leagues.

Next was "life space," and I tried to relate it to "white spaces." It turned out to be a sociological term popular in the League, meaning roughly the point in an individual's experience where you can make contact.

Learned about KYT. Wondered which one she was. Proved to be Know Your Town. Assumed that KYC meant Know Your City, but no, it meant Know Your County. So if it's Kyt and Kyc(k) I assume the other members of this family are, pardon the phonetic pun, Kys 'n' Kyn.

Every day I learn a new meaning for an old abbreviation. PS doesn't mean postscript, it means Publications Service. PM doesn't mean a time of day; it means Program Material. BA doesn't mean Bachelor of Arts; it means Bricker Amendment.

BBB (beleagued, bothered and bewildered) am I.
DFG

New Light on Defense and Trade

TWO official documents of great significance have just been published. One is an article by the Secretary of State, John Foster Dulles, on vital defense aspects of foreign policy.¹ The other is a volume of Staff Papers prepared for the use of the Commission on Foreign Economic Policy in the preparation of its Report to the President and the Congress.²

On Defense: Secretary Dulles's article gives the fullest available official explanation of the widely debated policy of "massive retaliation" which he first announced in a speech on January 12. This article explains the new policy in the light of present world conditions and within the framework of our collective security commitments. Among the questions discussed are: How should collective defense be organized by the free world for maximum protection at minimum cost? Given the long-term threat to our security, how can the strategic potential of the new weapons be used to achieve the greatest deterrent effect? How can this be done within the framework of the UN and various regional security pacts? How is the new policy related to the former policy of containment of local aggression?

On Trade: The Administration's forthcoming trade and foreign economic program will be based upon the Randall Committee's Report, which was issued January 23, 1954. In turn, this Report was largely based on the Staff Papers, now available. This volume provides a mine of resource material on tariffs and trade, foreign aid and technical assistance, and problems of currency, agriculture and raw materials.

The relevance of these two publications to the League's program is obvious. To facilitate their use by the League, the national office is sending two copies of Secretary Dulles's article to all Leagues. Two copies of the bulkier volume of Staff Papers are being sent to each state League. Additional copies of each may be obtained from the sources indicated below.

¹"Policy for Security and Peace" by John Foster Dulles. *Foreign Affairs*, April, 1954. Reprints available from Department of State (Department publication S #12), Washington, D. C., and from the Council on Foreign Relations, 58 East 68th Street, New York, New York. The article was also reprinted in full in the *U. S. News and World Report* of March 26, 1954.

²"Staff Papers." Presented to the Commission on Foreign Economic Policy, February 1954, 531 pages. Available U. S. Government Printing Office, Washington 25, D. C. Price \$1.75.

TIPS ON TELEVISION—In response to repeated requests for help in the TV field, the national office is happy to announce that this new public relations aid is now ready. (25¢ a copy; Pub. No. 218).

★ CONGRESSIONAL SPOTLIGHT ★

ETHICS IN GOVERNMENT (S. 3142) Introduced by Sens. Douglas (D., Ill.), Humphrey (D., Minn.) and Morse (I., Ore.), this bill proposes a Commission on Ethics in Government, to study the entire problem and make recommendations for further revision in the law. Prohibits unethical conduct on the part of citizens doing business with Government or seeking to influence its policies. Referred to Committee on Government Operations.

TRADE (H. R. 8355) This bill sponsored by Rep. Smith (D., Miss.), authorizes the President to suspend some provisions of the Buy American Act and its principles in certain circumstances where other governments grant reciprocal treatment to U. S. bidders. This follows the recommendations of the Commission on Foreign Economic Policy. Referred to House Committee on Public Works.

WOOL: The President, March 4, refused to act on a Tariff Commission proposal to increase import duties on wool under section 22 of the Agriculture Adjustment Act of 1933, as amended. He has urged a new Government program of subsidies in the form of incentive payments for

wool growers, which is before Congress in two bills, S. 2911 and H. R. 7775, introduced by the Chairmen of the two Agriculture Committees, Sen. Aiken (R., Vt.) and Rep. Hope (R., Kan.). The new formula for making incentive payments provides that the difference between the average incentive price as established by the Secretary of Agriculture and the price on the free market would be paid domestic producers at the end of the year from 70 per cent of gross receipts from import duties on wool. The Senate Committee on Agriculture has reported the Senate bill favorably. The House Agriculture Committee has concluded hearings.

ITEM VETO (H. J. Res. 470): This resolution, introduced by Rep. Warburton (R., Del.), proposes a constitutional amendment giving the President authority to veto specific items in general appropriation bills. Referred to House Judiciary Committee.

LOWER VOTING AGE (S. J. Res. 53) Senate Judiciary Committee on March 15 reported this resolution proposing an amendment to the Constitution granting the right to vote to 18-year-olds.

PROCEDURES AND PROTECTIONS—Cont. from page 1

One measure, S. 16, sponsored by Senator Pat McCarran (D., Nev.) was passed by the Senate in 1953 but has not been acted on by the House. Under this bill, if the committee decides to grant immunity, the Attorney General would be given a week's notice of the prospective grant of immunity. If he disapproves, he can be overridden by a record vote of Congress. The Attorney General has urged congressional action on immunity legislation, but emphasizes that he should be given greater discretion in immunity grants.

Under this legislation, if immunity is granted to a witness who had invoked the 5th Amendment, he would no longer have legal grounds for refusing to answer questions.

Changes in Procedure

Senator John Sherman Cooper (R., Ky.) has recently said that "new voices" have been added to the "old voices" urging changes in congressional investigating procedures. Proposals vary from voluntary codes to mandatory rules which would apply to both houses of Congress. Most of the recommendations, whether voluntary or mandatory, fall into two categories: those concerned with committee practices and those primarily related to the protection of witnesses. (See *Report from the Hill*, "Congressional Investigations," December, 1953, for legislation introduced during the first session of the 83rd Congress.)

The Senate Republican Policy Committee, on March 10, 1954, sent to all Senate committee chairmen a seven-point program, which it described as "suggestions for rules in committee investigations." The suggestions indicated that no probe should begin without specific authorization. A majority vote by a committee should be required: to authorize an investigating subcommittee; to delegate subpoena powers; to authorize the public release of executive testimony; and to authorize hearings held outside the District of Columbia. The Policy Committee also recommended that any witness should have the right to counsel.

Rep. Hugh Scott (R., Pa.), the Chairman of the House Rules subcommittee which held extensive hearings on investigating procedures, has introduced a bill, (H. Res. 447), which embodies many of the proposals contained in other legislation. One innovation of his bill is the granting of supervisory authority over all House probes to the Rules Committee, with appeals to be made to the House itself. The bill also specifies

certain rights of witnesses and spells out committee investigating powers and practices.

Two former sponsors of a voluntary code of fair conduct, Senators Herbert Lehman (D., N. Y.) and Wayne Morse (I., Ore.) have introduced new legislation (S. Con. Res. 64) which would make certain procedures mandatory for all investigating committees in both houses of Congress.

Another type of proposal would create a special committee or agency to handle all investigations concerning internal security. The most recent bills providing for a Joint Committee on Internal Security are S. J. Res. 137, sponsored by Senators Paul Douglas (D., Ill.) and Hubert Humphrey (D., Minn.), H. J. Res. 328, introduced by Rep. Peter Frelinghuysen (R., N. J.), and H. Con. Res. 202 by Jacob Javits (R., N. Y.). No action has been taken on these measures.

It is evident that there is increasing public sentiment that Congress should try to meet the criticisms which have been coming its way concerning its investigating methods. However, on the complex issues of immunity and wiretapping, public reaction has been less clear-cut.

ANSWERS TO PILL BOX PROBLEMS

As a League member, Mrs. Doe has been encouraged to work in the party of her choice in any way in which she could be effective. However, now that she is to be on her local Board, and her name would be associated with the League of Women Voters in the public mind, her activities must be restricted. During her term of League office, she should not take part in any party activity in which she goes to the public as a representative of the party.

Copies of the policy on Nonpartisanship are available from the National Office, 5c.

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